

San Juan River Basin Recovery Implementation Program  
Coordination Committee  
15 June 1993

The first meeting of the Coordination Committee of the San Juan River Basin Recovery Implementation Program (Program) was called to order at approximately 10:00 a.m. on 15 June 1993 in Albuquerque, New Mexico. Jim Young, Assistant Regional Director for Ecological Services, Region 2, Fish and Wildlife Service, in the absence of Regional Director John Rogers chaired the meeting.

The roster of all attendees who signed in is attached. The following representatives of the signatories to the Program's Cooperative Agreement were present:

| <u>Name</u>                   | <u>Representing</u>            |
|-------------------------------|--------------------------------|
| James A. Young                | Fish and Wildlife Service, R-2 |
| Dale Hoffman (for Jim Lutey)  | Fish and Wildlife Service, R-6 |
| Rick Gold                     | Bureau of Reclamation          |
| Leo R. Soukup                 | Bureau of Indian Affairs       |
| Peter Evans                   | State of Colorado              |
| William J. Miller             | State of New Mexico            |
| Les Taylor                    | Jicarilla Apache Tribe         |
| Tom Pitts (for Scott McElroy) | Southern Ute Indian Tribe      |

Two entities that had been participants in the development of the Program document have declined participation as signatories in the Program: the Navajo Nation and the State of Utah. Mr. Young told the attendees that, following consultation with the Department of the Interior Regional Solicitor, the Fish and Wildlife Service would not concur with the different amendments to the Cooperative Agreement for the Program required by both the State of Utah and the Navajo Nation. If either entity would like to participate, it will be represented on the Coordination Committee; if not, either is welcome to participate as members of the public.

The Conservationists have also declined to officially participate in the Program at this date. Mr. Sugarman, Sierra Club Legal Defense Fund, stated his organization's current reluctance to participate officially, but the interest of the Conservation community in the process and progress of the Program.

Mr. Soukup informed the committee that representation for the Bureau of Indian Affairs would be shared between himself and Mr. Joe Little, Water Rights Protection Branch, Bureau of Indian Affairs, Albuquerque Area.

Three separate nominations for representative on the Coordination Committee were received by Region 2 of the Fish and Wildlife Service. The City of Farmington selected Scott Berger (Public Service Company of New Mexico); two conservation districts (by letter from their attorney) selected Tom Pitts; and the Animas River Agricultural Water

Users Association selected Orion Utton. Without concurrence among the parties, it was determined that each would share a third of the vote allotted to the water development interests at this meeting; and that a single representative would be selected by the time of the next meeting of the Coordination Committee.

Following the discussion of representation, Mr. Young iterated the goals of the Recovery Implementation Program as discussed in the Program document:

1. To conserve populations of Colorado squawfish and razorback sucker in the Basin consistent with the recovery goals established under the Endangered Species Act, 16 U.S.C. 1531 et seq.
2. To proceed with water development in the Basin in compliance with federal and state laws, interstate compacts, Supreme Court decrees, and federal trust responsibilities to the Southern Utes, Ute Mountain Utes, Jicarillas, and the Navajos.

A question was raised from Mr. Evans concerning the schedule of meetings of the Coordination Committee. This question was set aside for discussion following the upcoming formulation of the Long Range Implementation Plan, the initial meetings of the Biology and Navajo Dam Operating committees, and the time frame for work products generated by these committees.

The Coordination Committee then addressed the request by the National Park Service to join the Program. Mr. John Ritenour provided the basis for the request of the Park Service in relationship to the following criteria identified in the Program document:

1. Legal and regulatory responsibilities to protect listed species or designated critical habitat; and
2. Permitting or regulatory authority affecting either the endangered fish species or their habitat; and
3. Commitment to provide sufficient funding to significantly contribute to the activities identified in the Long Range Implementation Plan and comply with the agency's section 7(a)(1) responsibilities.

Mr. Ritenour, summarizing the information provided in the National Park Service' 22 October 1992 memorandum to the Fish and Wildlife Service, stated that the Glen Canyon National Recreation Area includes about 38 miles of riverine habitat on the San Juan River and the 45-mile long San Juan Arm of Lake Powell. These figures translate to approximately 20% of the habitat of the endangered fish species in the San Juan River. The National Park Service is charged with the protection of wildlife in units of the park system. The Glen Canyon enabling legislation of 1972 mandated the Park Service to preserve scenic, scientific and historic features. Collection of specimens within units of the National Park System is prohibited without a permit issued by the superintendent. The Park Service has secured funding for a 3-year program of endangered fish research in the Upper Colorado River Basin. The National Park Service intends to contribute to research activities identified in the Recovery Implementation

Program for the San Juan and provide in-kind funding to participate in planning activities.

A motion was made by Mr. Utton to formally accept the National Park Service in the San Juan River Basin Recovery Implementation Program. It was seconded by Mr. Evans.

The following discussion ensued:

Mr. Miller expressed concern over the size of the committee; it was his view that there were already enough Federal agencies.

Mr. Gold raised funding concerns. The Bureau of Reclamation and the Bureau of Indian Affairs were carrying the load of funding; what is the ability of additional Federal agencies to pay?

Mr. Ritenour stated the inability of the National Park Service to commit to a specific level of funding at this point without membership in the Program.

Mr. Pitts would like to see the National Park Service come forward with a long-term plan.

Mr. Evans was concerned over Federal agency representation and funding allocations by individual agencies. However he sees benefits to including the National Park Service because of participation in the Upper Basin research and management; the Park Service has demonstrated a commitment to both manage the species and fund research and recovery efforts.

Mr. Young stated recovery is a very big task and requires a commitment from a lot of agencies. He stated that the National Park Service should be included.

Mr. Gold asked how much money can the National Park Service commit to the Program and the duration of such funding. Mr. Gold wants all Federal agencies to equally fund.

Mr. Evans asked how long it would take the Park Service to get funding.

Mr. Ritenour restated the problem that the Park Service is not a recognized participant in the Program so he could not be specific as to funding amounts and timing.

Mr. Pitts stated that the Criterion #3 (funding) was not met.

Mr. Taylor stated that the Jicarilla Apaches were committed to the process and the Program and were not seeking funding.

Mr. Miller asked why the National Park Service had not been brought into the Program during the last year.

Mr. Young stated that the National Park Service had requested to be a participant at that time, but other entities had resisted the inclusion of another agency until the

Program document had been drafted and the method and criteria for inclusion of other entities had been agreed upon.

Mr. Evans stated that, if asked, the State of Colorado could not make a funding commitment today, similar to the position of the Park Service. Mr. Evans recommended that the motion be tabled.

Mr. Gold said that he would support the inclusion of the Park Service if they had to vote, but he endorsed waiting.

Mr. Evans withdrew his second to Mr. Utton's motion to include the National Park Service in the Program.

Mr. Utton expressed his desire to have his motion voted on.

No second was provided by any committee member and the motion failed for lack of a second.

Mr. Evans made a motion to table the question of acceptance of the Park Service. Mr. Gold seconded the motion.

The question of National Park Service participation was tabled until the October meeting and the following information was requested from the Park Service:

1. Specifically, what participation will be provided - funding, personnel, projects?
2. A management plan for the Park that included endangered fish recovery.

Ms. Amaryllis Hewett, Four Corners Action Coalition, submitted a statement from the coalition to the committee. That position paper is briefly summarized below:

The Four Corners Action Coalition appreciates the efforts of the biologists. However, the Coalition has a problem with the basic philosophy of the Program. The Coalition will, therefore, not be a participant because:

They object to proceeding with water development while the needed research is conducted.

The full development of the Animas-La Plata Project is imminent; the 57,100 acre feet number is only interim.

Development should only occur after research is completed.

The research effort should include investigation of the effects of both the 57,100 af and full depletion.

Releases of 300,000 af are at risk - there is no assurance that water will be protected through Utah and the Navajo Reservation.

Water users should be represented on the Biology Committee.

The definition of sufficient progress has been compromised.

The entire Recovery Implementation Program is based on erroneous baseline water conditions.

Critical habitat is essential to recovery, but water users are preventing this from taking place.

There have been separate meetings between water users and government officials.

The razorback sucker's chances of recovery are not good.

The Navajo Dam Operating Committee was discussed next. The names of representatives will be brought to the next Coordination Committee meeting by the Fish and Wildlife Service; Bureau of Reclamation (both Navajo Dam Operations and Salt Lake Regional Office); Bureau of Indian Affairs (both Navajo Indian Irrigation Project and Albuquerque Area Office); the states of New Mexico, Colorado, and Utah; and the Navajo Nation. Regarding the state of Utah and the Navajos, the question of participation on the Navajo Dam Operating Committee without participation in and commitment to the entire Program was surfaced without resolution.

Ongoing section 7 consultations were discussed for the information of committee members. Region 2 has three ongoing major section 7 consultations:

1. Consultation with the Bureau of Reclamation for the operation of Navajo Dam - extended by mutual consent to the end of the research period.
2. Consultation with the Bureau of Indian Affairs for the construction and operation of Blocks 9 through 11 of the Navajo Indian Irrigation Project - extended by mutual consent to the end of the research period.
3. Consultation with the Bureau of Land Management for the ongoing and proposed oil and gas development on public lands within the Farmington District. Biological Opinion due in June or July 1993.

Within the overall annual ceiling of 3,000 af for small depletions, the figure stands at approximately 1140 af.

Mr. Evans requested that the reporting of depletions be presented in the Bureau of Reclamation's matrix. It was agreed that that method of reporting would be provided by the Fish and Wildlife Service.

It was brought up that no one on the Coordination Committee possessed a signed copy of the Cooperative Agreement. Individual signature pages were sent to each prospective signatory. The Fish and Wildlife Service will investigate and obtain the full signed and executed document.

Mr. Pitts requested a discussion of the available funding for the Program.

Mr. Young stated that the Fish and Wildlife Service, Region 2, had contributed \$150,000 in Fiscal Year (FY) and had requested \$200,000 for FY 94.

Mr. Soukup stated that Bureau of Indian Affairs had already been allocated for FY 94 and 95. That agency had included the amounts for line items in its budget and could commit to funds for modification of diversion dams for fish passage, if necessary.

Mr. Gold stated that Bureau of Reclamation funding for FY94 and 95 may be different; FY94 may be patterned after FY93.

Mr. Young said that the Fish and Wildlife Service, Bureau of Indian Affairs, and Bureau of Reclamation would get together to discuss overall Federal (Interior) funding commitment.

Mr. Evans stated that Colorado had no funds specifically earmarked for the Program, but they were willing to have the Governor write letters, contact members of Congress, and would provide assistance with testifying and supporting funding requests.

Mr. Miller stated that the New Mexico Department of Game and Fish had contributed \$80,000 to \$90,000, \$10,000 to \$20,000 of which was in kind. The New Mexico State Engineer's Office has no line item for the Program.

Mr. Taylor said that the Jicarilla Apaches are finalizing arrangements for a biologist to service on the Biology Committee - an in-kind contribution.

Mr. Pitts said that the Southern Ute Indian Tribe's consultation served on the Biology committee - an in-kind contribution.

The next scheduled meeting of the Coordination Committee was agreed upon: 19 October 1993, at 10:00 a.m., in Albuquerque.

The meeting was adjourned at approximately 4:00 p.m.

NAME

ORGANIZATION

ADDRESS/TELEPHONE

| NAME                   | ORGANIZATION   | ADDRESS/TELEPHONE  |
|------------------------|--|--|
| Jim Young              | FWS  | ALBUQUERQUE, NM.<br>(505) 766-2324   |
| Jim Brooks             | FWS  | P.O. Box 370<br>Dexter, NM 88230 505/734-522   |
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| Tom Pith               | <del>Tom Pith</del> (Temporary)                          | 535 W. Garfield Ave<br>Liverland, Ca 90537 303-667-8690                                |
| Peter Evans            | State of Colorado  | Colo. Water Conservation Board<br>1313 Sherman St. Rm 721, Denver CO 80203 303-866-344 |
| Tim Bollman            | Regional Solicitor, DOI                                  | 2400 Louisiana Blvd. NE<br>Bldg One Suite 200, Albany NM 87110 505-883-67              |
| Jennifer Foster-Probst | FWS  | 3580 PANAMERICAN HWY SUITE D<br>ALBUQUERQUE NM 87107 (505) 883-7877                    |
| Les Taylor             | Sicaniilla Apache Tribe                                  | 500 Margarette NW Ste 1050<br>Alb. n. m. 87102 (505) 243-4275                          |
| Rick Gold              | USER   | P.O. Box 11568, SALT LAKE CITY, UTAH<br>84147 (801) 584-3330                           |
| Leo R Soukup           | BIA  | 304 No Auburn, Suite B<br>Farmington, NM 87401 (505) 325-18                            |
| William J. Miller      | NM Interstate Stream Comm                                | P.O. Box 25102, Santa Fe, NM. 87504-5  |
| Scott P. Beron         | Public Service Corp of NM                                | ENVIRONMENTAL SERVICES<br>ALVARADO SQUARE, ALB. N.M. 87158-0408 505:848:2017           |
| JOHN WHIPPLE           | NM INTERSTATE STREAM COMM                                | P.O. Box 25102, SANTA FE, NM 87504-5102  |
| STANLEY POLACK         | NAVATO NATION DEPT. OF JUSTICE<br>NATURAL RESOURCES UNIT | P.O. DRAWER 2010<br>WINDOW ROCK, AZ 86515 602:871-6931                                 |
| Ron Bliesner           | Keller-Bliesner Engineering<br>Consultant for BIA.       | 110 E 3700 S<br>Cogan, Utah 84301 (801) 253-5651                                       |
| John R. Tenor          | GLN CANYON NATIONAL<br>RECREATION AREA - NPS             | P.O. Box 1507<br>Page, AZ 86040 (602) 645-8265   |
| Susan Dodson           | NPS - Glen Canyon NRA                                    | P.O. Box 1507<br>Page AZ 602 645 8268  |
| Scott Williams         | BHP MINERALS   | 300 W. ABERNETHY, Suite 200<br>Farmington, NM 87401 (505) 325-4194                     |
| DAN FRITZ              | BUR. OF RECLAMATION<br>DURANGO PROJECTS OFFICE           | P.O. Box 640<br>DURANGO, CO 81302 (303) 385-6567                                       |
| Bob Krakow             | BIA - NHP  | 304 N. Auburn Suite B Farmington NM<br>505 325 1864                                    |
| MICHAEL TREMBLE        | NAVATO NATURAL HERITAGE<br>NAVATO FIGHT WILDLIFE         | P.O. Box 1480<br>WINDOW ROCK, AZ 86515 602-871-7059                                    |
| Joel Farrell           | BLM  | Farmington, District<br>1235 E. Pl. H. Hwy 8X101                                       |
| Christine KARRS        | Reclamation  | P.O. Box 11568 SALT LAKE CITY, UT 84118<br>(801) 524-3273 Mail Code: UC-770            |
| DAVID PROBST           | NMG F  | P.O. Box 25102<br>SANTA FE, NM 87104 827 4906  |
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